

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3798

IN THE MATTER OF:

Served August 6, 1991

Application of BETHANY TRAVEL)
AGENCY, INC., Trading as BETHANY)
TRAVEL AND LIMOUSINE SERVICE for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-90-52

By application filed November 16, 1990, and revised June 4, 1991, Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service (Bethany or applicant), a Virginia corporation, seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District.

By Order No. 3778, served June 20, 1991, notice of this application was given, and applicant was directed to publish further notice in a newspaper. Order No. 3778 also directed applicant to file an affidavit of publication and certain documentation in support of the application. These materials were filed as required. No protests or comments have been filed in this case. No person requested an oral hearing. The application is now ready for decision.

SUMMARY OF EVIDENCE

Applicant proposes to initiate service with three vehicles -- model years 1985, 1988, and 1989. The 1989 vehicle, which seats 24-passengers, is leased; the other two vehicles are owned by Bethany. The vehicles are registered in the District of Columbia. The application describes Bethany's arrangements for vehicle maintenance and repairs, which will be accomplished at facilities where Bethany has existing accounts relating to its limousine business. Applicant's administrative offices are located at 2311 M Street, N.W., Washington, DC.

Drivers must be properly licensed and are required to attend a safety course every three months. The drivers' duties are described in the application.

The application states that Bethany now provides limousine service to most of the major hotels in Washington, DC. Applicant is frequently requested to transport clients who wish to travel in larger groups than can be accommodated in limousines. Applicant maintains a staff of drivers who speak the particular language of many of Bethany's foreign clients.

Bethany has not been assigned a safety rating by the United States Department of Transportation (USDOT). However, applicant's corporate secretary certifies on Bethany's behalf that it has access to and is familiar with all USDOT regulations relating to safe operation of commercial vehicles and safe transportation of passengers for hire and will comply with those regulations. Applicant's

secretary further certifies that Bethany has access to and is familiar with the Compact and the Commission's rules and regulations, that it will comply with them, and that there are no proceedings, either completed or pending, in which Bethany has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or USDOT.

Applicant's balance sheet as of March 31, 1991, shows current assets of \$47,870, fixed assets after depreciation of \$439,130, and other assets of \$15,436, for total assets of \$502,436. Current liabilities were \$447,142, long-term liabilities were \$393,715, and the equity accounts showed a net negative balance of \$338,421. For the 12 months ended March 31, 1990, applicant's operating statement shows operating income of \$6,055,571 and operating expenses of \$5,903,234, resulting in net operating income of \$152,337. For the first 12 months of the proposed operations, applicant projects operating income of \$634,234 and operating expenses of \$475,855, for a net operating income from proposed operations of \$158,329.

Bethany's proposed tariff sets forth the following rates for charter service within the Metropolitan District:

TRANSFER RATES:

To or from Washington National Airport	\$150
To or from Washington Dulles International Airport	\$200
Within the District of Columbia	\$120

HOURLY RATE:

Four hour minimum	\$60/hour
-------------------	-----------

The application names Bethany's officers and directors and represents, under oath, that neither the applicant, nor any person controlling, controlled by, or under common control with the applicant have any relationship with a carrier other than the applicant.

DISCUSSION AND CONSLUSIONS

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant, . . . if it finds that -

(i) the applicant is fit, willing, and able to perform the transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and

(ii) that the transportation is consistent with the public interest.

Applicant is cash-short. It has net negative equity of \$338,421. Its current liabilities outweigh its current assets in the ratio of 9.34 to 1. On the other hand, applicant is a going concern

in the limousine business,¹ and it already has the three vehicles it proposes to use in the operations that are the subject of this application. Applicant has existing staff, offices, and open accounts for maintenance and repair of the vehicles. Its historical operating statement shows net income of \$152,337, and it projects net income of \$158,329 from the proposed operations. On balance the Commission finds Bethany fit, willing, and able to perform the proposed transportation. The Commission further finds the proposed transportation to be consistent with the public interest.

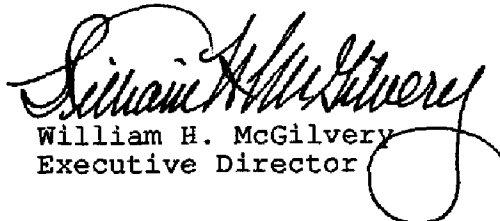
THEREFORE, IT IS ORDERED:

1. That Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District.

2. That Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, is hereby directed to file with the Commission within 30 days of the date of this order or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) five copies of its tariff(s) in accordance with Commission Regulation No. 55; (c) an equipment list stating the make, year, model, serial number, vehicle number, license plate number (with jurisdiction), and seating capacity for each vehicle to be used in certificated operations in the Metropolitan District; (d) its official business address as discussed in Commission Regulation No. 68; and (e) an affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 185 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the materials required by the Commission, Certificate of Authority No. 185 shall be issued to Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, as appended to this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:


William H. McGilvery
Executive Director

¹ See Order No. 2559, served May 24, 1984, and Commission Regulation No. 51-09.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF AUTHORITY

NO. 185

***Bethany Travel Agency, Inc.
Trading as Bethany Travel and Limousine Service***

By Order No. 3798 of the Washington Metropolitan Area Transit Commission issued August 6, 1991;

WHEREAS, the above-named carrier is entitled to receive authority to transport passengers within the Washington Metropolitan Area Transit District;

THIS CERTIFICATE OF AUTHORITY is hereby issued to the named carrier as evidence of the authority to engage in the for-hire transportation of passengers by motor vehicle; subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the named carrier:

IRREGULAR ROUTES, transporting passengers between points in the Washington Metropolitan Area Transit District;

RESTRICTED TO (1) operations conducted according to the named carrier's applicable tariff on file with the Commission; and

RESTRICTED AGAINST (1) transportation solely within the Commonwealth of Virginia and (2) any passenger transportation for hire on an individual fare paying basis in competition with any existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the Federal Government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority.

THIS CERTIFICATE OF AUTHORITY DOES NOT AUTHORIZE ANY TRANSPORTATION BY ANY PERSON OTHER THAN THE CARRIER NAMED HEREON.

THIS CERTIFICATE OF AUTHORITY IS NOT VALID UNLESS THE CARRIER NAMED HEREON IS IN COMPLIANCE WITH THE INSURANCE REQUIREMENTS OF THE COMMISSION.

IT IS A FURTHER CONDITION of this certificate of authority that the carrier named hereon shall (a) provide safe and adequate transportation service, equipment, and facilities and (b) observe and enforce Commission regulations.